

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TROY LEE PERKINS, ID # 1480826,
Plaintiff,

vs.

ANDREW M. CHATHAM, et. al,
Defendants.

No. 3:09-CV-1788-G-BH

**RECOMMENDATION REGARDING MOTION TO PROCEED
IN FORMA PAUPERIS ON APPEAL**

Pursuant to 28 U.S.C. § 636(b) and an *Order of Reference* dated May 6, 2010, Plaintiff's *Motion to Proceed In Forma Pauperis* on appeal, received May 5, 2010, (doc. 14) was referred to the United States Magistrate Judge.

- (X) The motion for leave to proceed *in forma pauperis* on appeal should be DENIED because the Court should certify pursuant to 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith.

If the Court denies the request to proceed *in forma pauperis* on appeal, Plaintiff may challenge such denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).

SIGNED this 7th day of May, 2010.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE